

CITY OF SAN ANTONIO
Board of Adjustment Agenda

Cliff Morton Development and Business Services Center
1901 S. Alamo
Board Room, First Floor

October 15, 2007
Monday, 1:00 PM

BOARD OF ADJUSTMENT MEMBERS

Vacant – District 1	Paul Klein – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
Gerald Yarborough – District 4	Michael Gallagher – District 10
George Alejos – District 5	Gene Camargo – District Mayor
Mike Villyard – District 9	
Chairman	

Maria Cruz	Michael Dean
Mimi Moffat	Henry Rodriguez
Rollette Schreckenghost	Pete Vallone

1. 1:00 PM –Call to Order – Board Room
2. Roll Call
3. Pledge of Allegiance.
4. **A-07-101:** The request of Ricardo Flores, for **1)** a 17-foot, 4-inch variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry carports, in order to keep an existing carport 2 feet, 8 inches from the front property line, and **2)** a 4-foot, 6-inch variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained in “R-4” Zoning districts, in order to keep the same carport 6 inches from the side property line, 903 Barclay Street.
5. **A-07-102:** The request of John L. Wilson, for **1)** a 25-foot variance from the Unified Development Code requirement that a minimum 30-foot rear setback be maintained in “I-1” zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 5 feet from the rear property line, and **2)** a 25-foot variance from the Unified Development Code requirement that a minimum 30-foot side setback be maintained in “I-1” zoning districts when abutting residential uses or residential zoning districts, in order to build the same structure 5 feet from the side property line, 9665 Marbach Road.
6. **A-07-103:** The request of Amos Jones, for a 13-foot variance from the Chapter 28 (Sign Code) requirement that single tenant, free-standing, on-premise signs shall not exceed an overall height of 24 feet, in order to erect a 37-foot tall single tenant, free-standing, on-premise sign, 7743 Montego Road.

7. **A-07-106:** The request of Hotel Properties of Texas, LP, the applicant is appealing the decision of the Director of the Development Services Department to follow the Board of Adjustment's recommendation in Case A-07-094 to uphold the Chief Sign Inspector's decision to issue a stop work order for the removal of an on-premise free-standing pole sign, and the interpretation of Chapter 28 Section 245 of the City Code that the removal of an on-premise freestanding sign cabinet from a nonconforming sign, without first obtaining the proper approvals, resulted in the termination of nonconforming rights to the sign, 628 South Santa Rosa Street.
8. Consideration of **Sign Master Plan No. 07-111**, Goliad-Dorado, located at Goliad and IH-37 S.
9. Consideration of **Sign Master Plan No. 07-112**, Summit Christian Center, located at Marshall Road and U.S. Highway 281 N.
10. Approval of October 1, 2007, August 21, 2006, and September 18, 2006 Minutes.
11. Staff Report.
12. Executive Session: consultation on Attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
13. **ADJOURNMENT**

Note: The City of San Antonio Board of Adjustment Agenda is on the Internet at: www.sanantonio.gov/dsd

Accessibility Statement

This meeting is wheelchair accessible. The accessible entrance is located at 1901 S Alamo. Accessible parking spaces are located in front of the building. Auxiliary aids and services are available upon request. Interpreters for the deaf must be requested at least 48 hours prior to the meeting by calling 207-7245



Board of Adjustment
Notification Plan for
Case A-07-101



Legend
 Subject Property ■■■■■■■
 200' Notification Buffer —————

Scale: 1" approx. = 100'
 Council District 5



Produced by the City of San Antonio
 Development Services Department
 (09/26/2007)

Board of Adjustment - Case No. A-07-101

October 15, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on Monday, October 15, 2007 in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

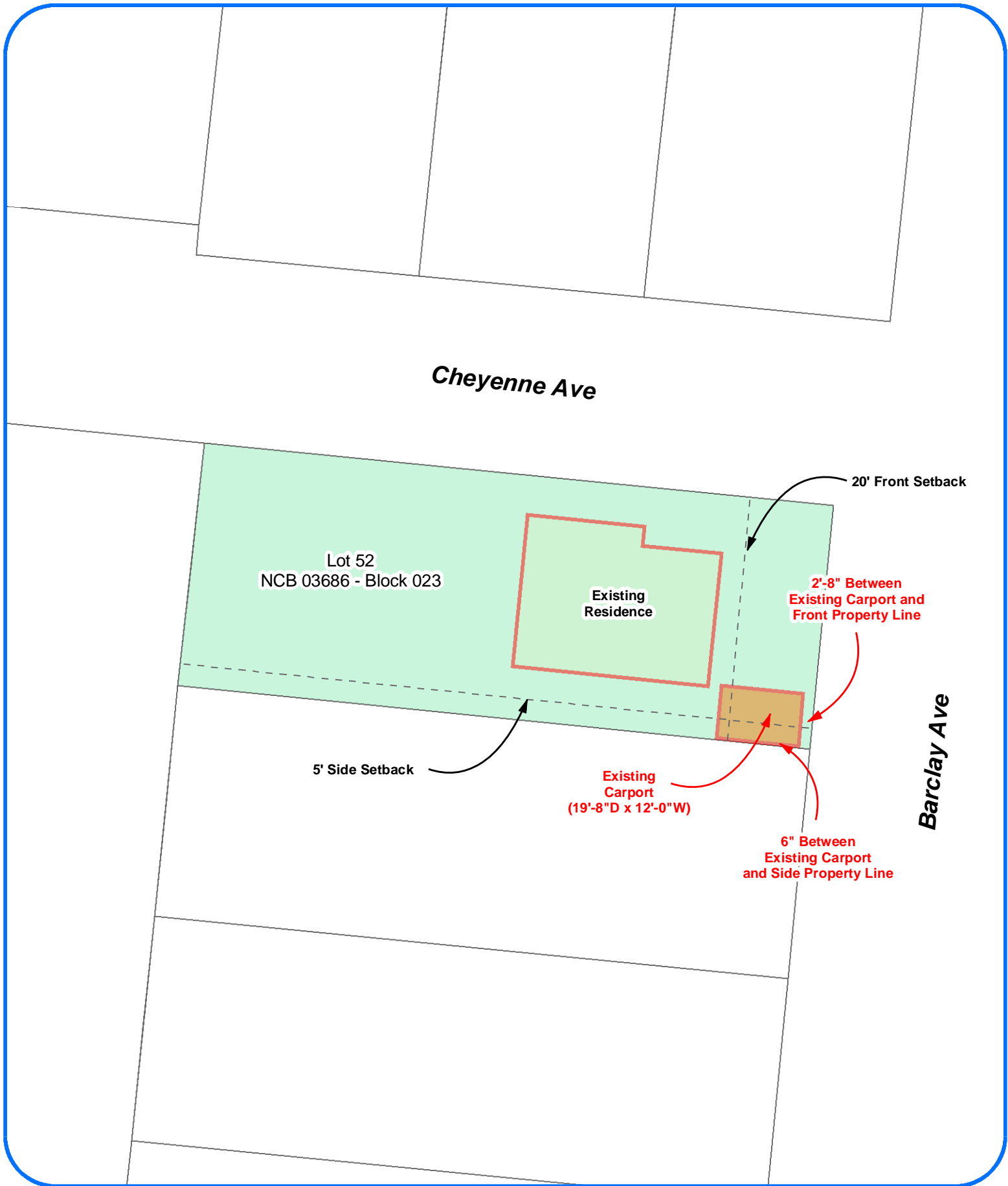
Applicant – Ricardo Flores
Lot 52, Block 23, NCB 3686
903 Barclay Street
Zoned: “R-4” Residential Single-Family District

The applicant is requesting **1)** a 17-foot, 4inch variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry carports, in order to keep an existing carport 2 feet, 8 inches from the front property line, and **2)** a 4-foot, 6inch variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained in “R-4” Zoning districts, in order to keep the same carport 6 inches from the side property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager David Arciniega at (210) 207-6944. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.



Board of Adjustment
Plot Plan for
Case A-07-101



Scale: 1" approx. = 30'
Council District 5

903 Barclay St

Produced by the City of San Antonio
Development Services Department
(09/25/2007)

CASE NO: A-07-101

Board of Adjustment – October 15, 2007

Applicant: Ricardo Flores

Owner: Ricardo Flores

Request(s): **1)** a 17-foot, 4 inch variance from the minimum 20-foot front setback required for front entry carports, in order to keep an existing carport 2 feet, 8 inches from the front property line, and **2)** a 4-foot, 6-inch variance from the minimum 5-foot side setback required in “R-4” Zoning districts, in order to keep the same carport 6 inches from the side property line

Legal Description: Lot 52, Block 23, NCB 3686

Address: 903 Barclay Street

Zoning: “R-4” Residential Single-Family District

Existing Use: Single-family residence

Neigh. Assoc: None

Neigh. Plan: None

Sections of the City Code from which these variances are requested:

Section 35-516 Carport and Garage Setbacks: A 20-foot front setback is required between the back of the sidewalk or the property line and a front entry garage or carport.

Section 35-310 Zoning District Purpose Statements and Design Regulations: A Minimum 5-foot side setback is required in “R-4” zoning districts.

Background: The subject property is located in an established single-family residential neighborhood on the City’s west side, between US Highway 90 West and Castroville Road, east of Cupples Road. The subject property lies on the southwest corner of Barclay and Cheyenne Streets and is utilized as a single-family residence. Single-family residences surround the subject property on all sides. The purpose of the requested variances is to keep an existing carport that encroaches into the front and side setbacks. The applicant built this carport without the required building permit. The applicant was issued a citation on August 23, 2007.

Recommendation: The intent of the front setback requirement for carports and garages is to maintain 20 feet of space to allow for additional off-street parking so that vehicles do not encroach into the sidewalk, right-of-way or on to the street. The intent of the side setback requirement is to allow for air flow, light penetration, neighborhood uniformity, to prevent the overcrowding of lots, and to maintain a reasonable amount of open space that is desired in single-family residential neighborhoods. This lot does not appear to be characterized by any unique terrain features where literal enforcement of the front and side setback requirements would result in unnecessary hardship. Staff recommends **denial** of the requested variances.

Case Manager: David Arciniega, Planner (210) 207-6944



Board of Adjustment **Notification Plan for** **Case A-07-102**



Legend
 Subject Property -----
 200' Notification Buffer —————

Scale: 1" approx. = 150'
 Council District 4

Produced by the City of San Antonio
 Development Services Department
 (09/26/2007)

Board of Adjustment - Case No. A-07-102

October 15, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on Monday, October 15, 2007 in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – John L. Wilson

Lot 3, Block 1, NCB 15858

9665 Marbach Road

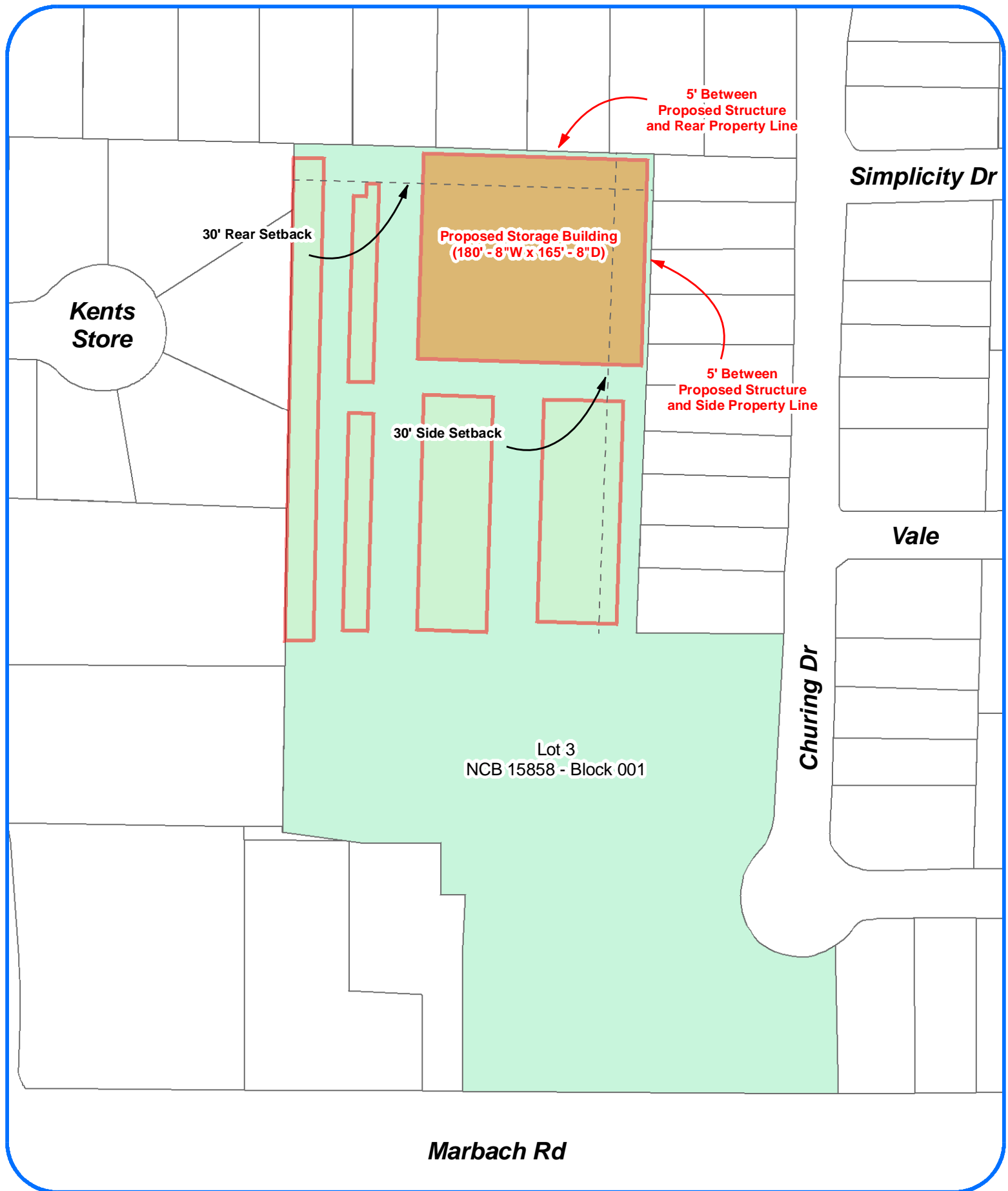
Zoned: “I-1” General Industrial District, “C-2” Commercial District and “RM-4” Residential Mixed District

The applicant is requesting **1)** a 25-foot variance from the Unified Development Code requirement that a minimum 30-foot rear setback be maintained in “I-1” zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 5 feet from the rear property line, and **2)** a 25-foot variance from the Unified Development Code requirement that a minimum 30-foot side setback be maintained in “I-1” zoning districts when abutting residential uses or residential zoning districts, in order to build the same structure 5 feet from the side property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager David Arciniega at (210) 207-6944. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

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Board of Adjustment
Plot Plan for
Case A-07-102



Scale: 1" approx. = 100'
Council District 4

9665 Marbach Rd

Produced by the City of San Antonio
Development Services Department
(09/25/2007)

CASE NO: A-07-102

Board of Adjustment – October 15, 2007

Applicant: John L. Wilson

Owner: Sovran Acquisition LTD Partnership

Request(s): **1)** a 25-foot variance from the minimum 30-foot rear setback required in “I-1” zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 5 feet from the rear property line, and **2)** a 25-foot variance from the minimum 30-foot side setback required in “I-1” zoning districts when abutting residential uses or residential zoning districts, in order to build the same structure 5 feet from the side property line

Legal Description: Lot 3, Block 1, NCB 15858

Address: 9665 Marbach Road

Zoning: “I-1” General Industrial District, “C-2” Commercial District and “RM-4” Residential Mixed District

Existing Use: Mini-warehouse

Neigh. Assoc: Adams Hill and Heritage Neighborhood Associations (within 200 feet)

Neigh. Plan: None

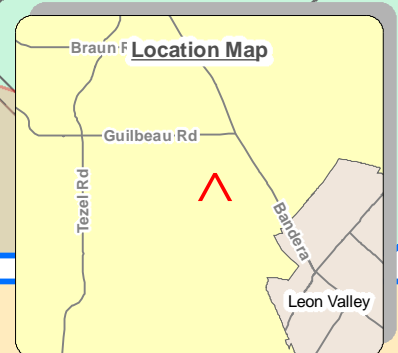
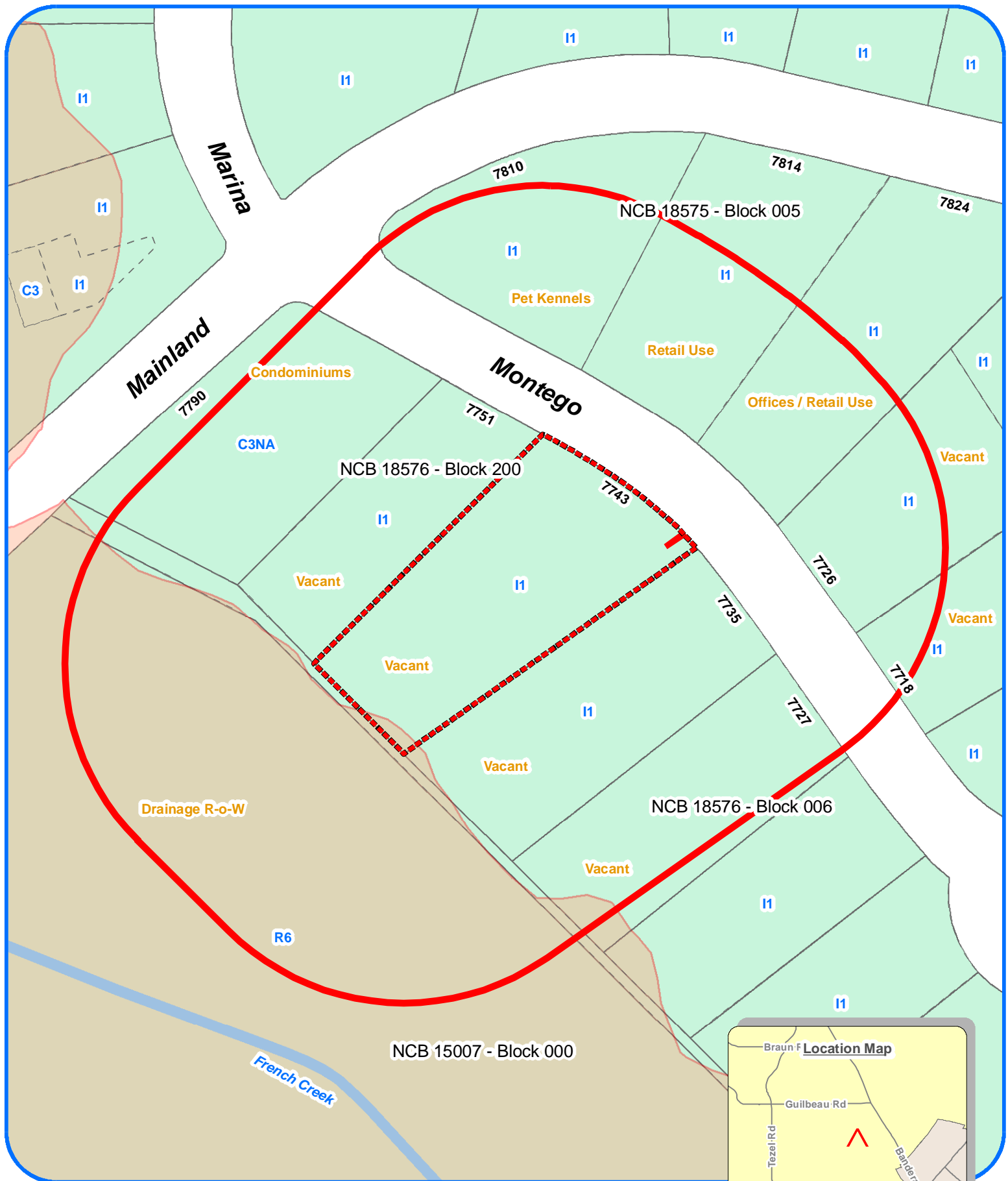
Section of the City Code from which these variances are requested:

Section 35-310 Zoning District Purpose Statements and Design Regulations: Minimum 30-foot rear and side setbacks are required in “I-1” zoning districts when abutting residential uses or residential zoning districts.

Background: The subject property is located on the north side of Marbach Road, on the City’s west side, to the west of southwest Loop 410 and to the south of State Highway 151. The subject property has been occupied by a self-service storage/mini-warehouse establishment since 1995. Fourteen warehouse structures occupy the subject site. Properties occupied by single-family residences abut the subject property to the northwest, north and northeast. Commercial zoning and uses lie to the southwest, southeast and south. The applicant is proposing to demolish two of the existing mini-warehouse structures that are located on the northeast portion of the lot. These two structures presently encroach into the side setbacks. The applicant is requesting the two variances in order to construct a 29,700 square-foot mini-warehouse structure that, as proposed, would encroach into the rear and side setbacks.

Recommendation: The intent of the rear and side setback requirements for commercial uses is to help provide a reasonable buffer to protect abutting residences from the noise, light, and traffic typically generated by commercial uses, to allow for air flow and light penetration, and to prevent the overcrowding of lots. This lot does not appear to be characterized by any unique terrain features where literal enforcement of the rear and side setback requirements would result in unnecessary hardship. It appears alternate site configuration options are available, therefore Staff recommends **denial** of the requested variances.

Case Manager: David Arciniega, Planner (210) 207-6944



Board of Adjustment **Notification Plan for** **Case A-07-103**



Legend
 Subject Property ■■■■■■■■
 200' Notification Buffer —————

Scale: 1" approx. = 100'
 Council District 7

Produced by the City of San Antonio
 Development Services Department
 (09/27/2007)

Board of Adjustment - Case No. A-07-103

October 15, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on Monday, October 15, 2007 in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

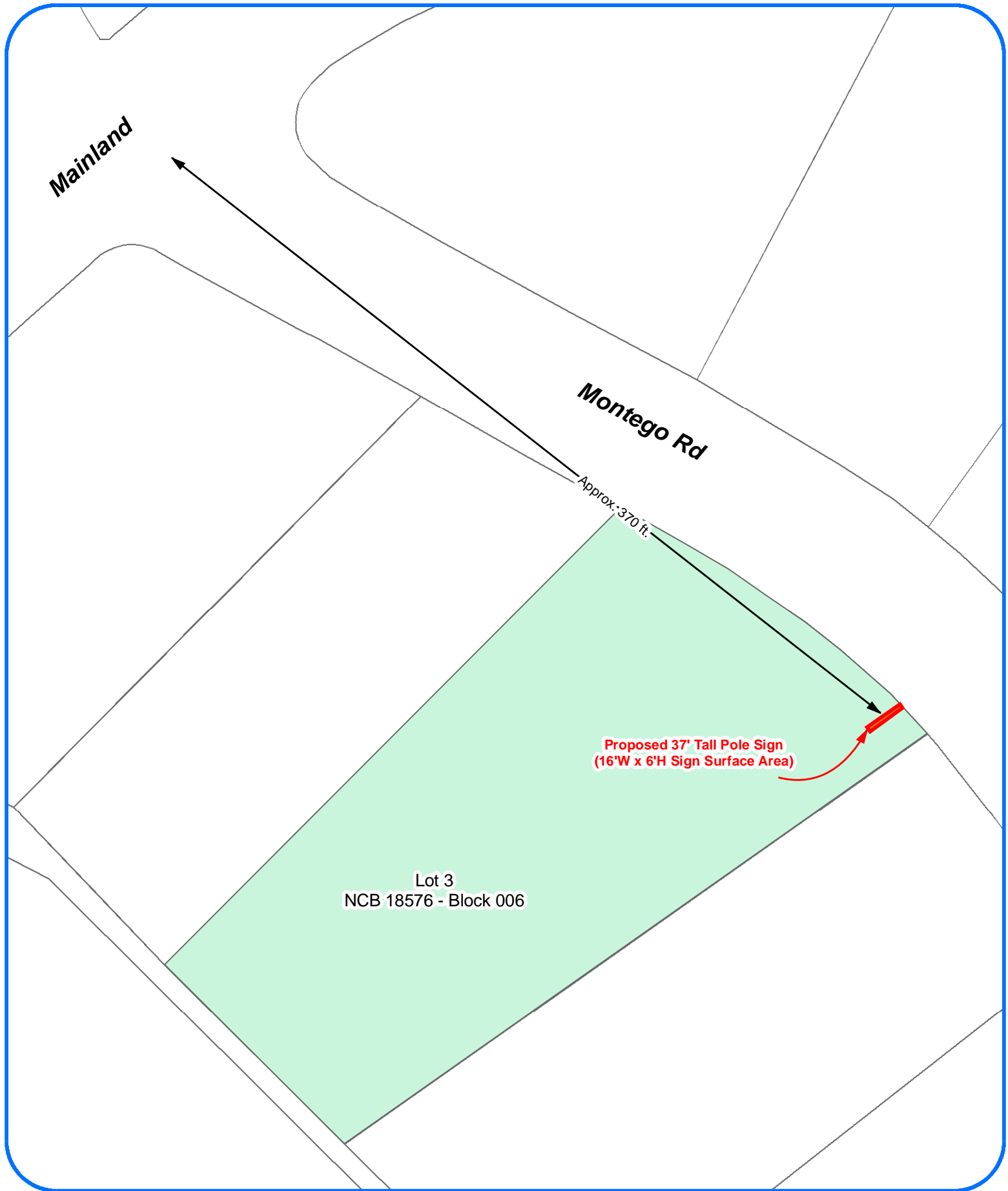
Applicant – Amos Jones
Lot 3, Block 6, NCB 18576
7743 Montego Road
Zoned: “C-3” General Commercial District

The applicant is requesting a 13-foot variance from the Chapter 28 (Sign Code) requirement that single tenant, free-standing, on-premise signs shall not exceed an overall height of 24 feet, in order to erect a 37-foot tall single tenant, free-standing, on-premise sign

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager David Arciniega at (210) 207-6944. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

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Board of Adjustment
Plot Plan for
Case A-07-103



Scale: 1" approx. = 50'
Council District 7

7743 Montego Rd

Produced by the City of San Antonio
Development Services Department
(09/26/2007)

CASE NO: A-07-103

Board of Adjustment – October 15, 2007

Applicant: Amos Jones
Owner: A & W Amusement LP
Request(s): A 13-foot variance from the requirement that single tenant, free-standing, on-premise signs shall not exceed an overall height of 24 feet, in order to erect a 37-foot tall single tenant, free-standing, on-premise sign

Legal Description: Lot 3, Block 6, NCB 18576

Address: 7743 Montego Road

Zoning: "C-3" General Commercial District

Existing Use: Billiard hall

Neigh. Assoc: None

Neigh. Plan: Northwest Community Plan

Section of the City Code from which the variance is requested:

Chapter 28, Section 239(c) Table 2 Sign Height and Area: Allows a maximum height of 24 feet for single tenant, free-standing, on-premise signs under the applicable street classification.

Background: The subject property is located on the City's northwest side, south of Guilbeau Road and west of Bandera Road. The subject property lies on the southwest side of Montego Road and is occupied by a billiard hall establishment that is presently under construction. Industrial zoning and commercial uses lie to the west, north and east of the subject property. Undeveloped land, which is zoned for residential use, abuts the subject property to the west.

Intent and Authority: The intent of the Code requirements regarding signs is to establish consistency and conformity in signage over time through business change, attrition and entropy. The parameters (as found in Chapter 28, Section 247) that need to be met to justify the Board's decision to approve a sign variance include:

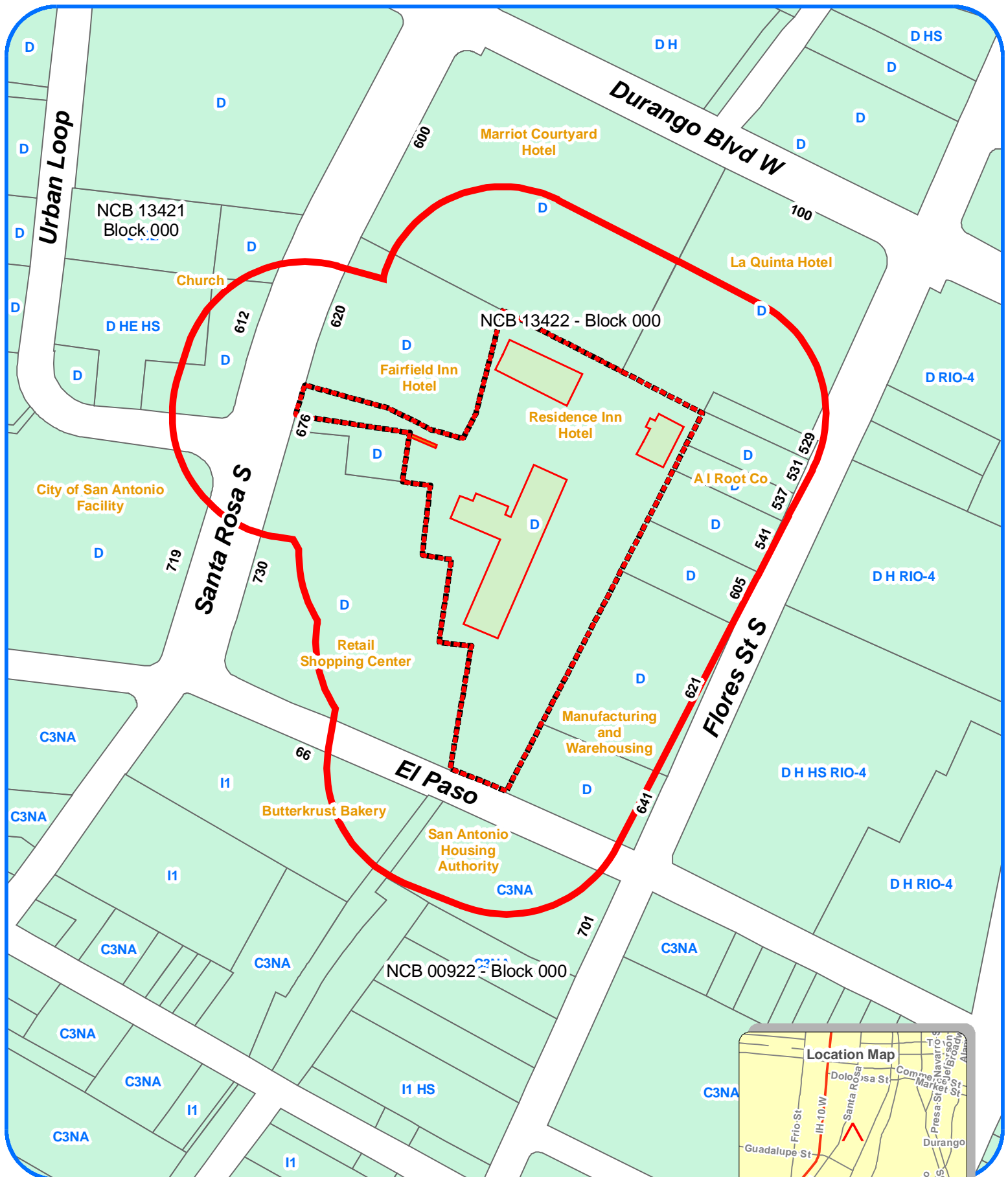
1. that the variance is necessary because strict enforcement would prohibit any reasonable opportunity to provide adequate signs on the site, considering the unique features of the site (dimensions, landscaping or topography), or
2. that a denial would probably cause a cessation of legitimate longstanding active commercial use of the property.

Additionally, after finding one or both of these parameters, the Board must find that:

1. Granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated; and
2. Granting the variance will not have a substantially adverse impact upon neighboring properties; and
3. Granting the variance will not substantially conflict with the stated purposes of this article.

Recommendation: It does not appear that the subject property is characterized by any unique features or conditions that would warrant the granting of a variance as indicated above. It appears that a sign at the maximum height allowed, would be sufficient for the subject site. Staff recommends **denial** of the requested variance.

Case Manager: David Arciniega, Planner (210) 207-6944
David Simpson, Chief Sign Inspector (210) 207-8289



Board of Adjustment **Notification Plan for** **Case A-07-106**



Legend

Subject Property ■■■■■■■■
 200' Notification Buffer —————

Scale: 1" approx. = 200'
 Council District 1

Produced by the City of San Antonio
 Development Services Department
 (08/27/2007)

Board of Adjustment - Case No. A-07-106

October 15, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on Monday, October 15, 2007 in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

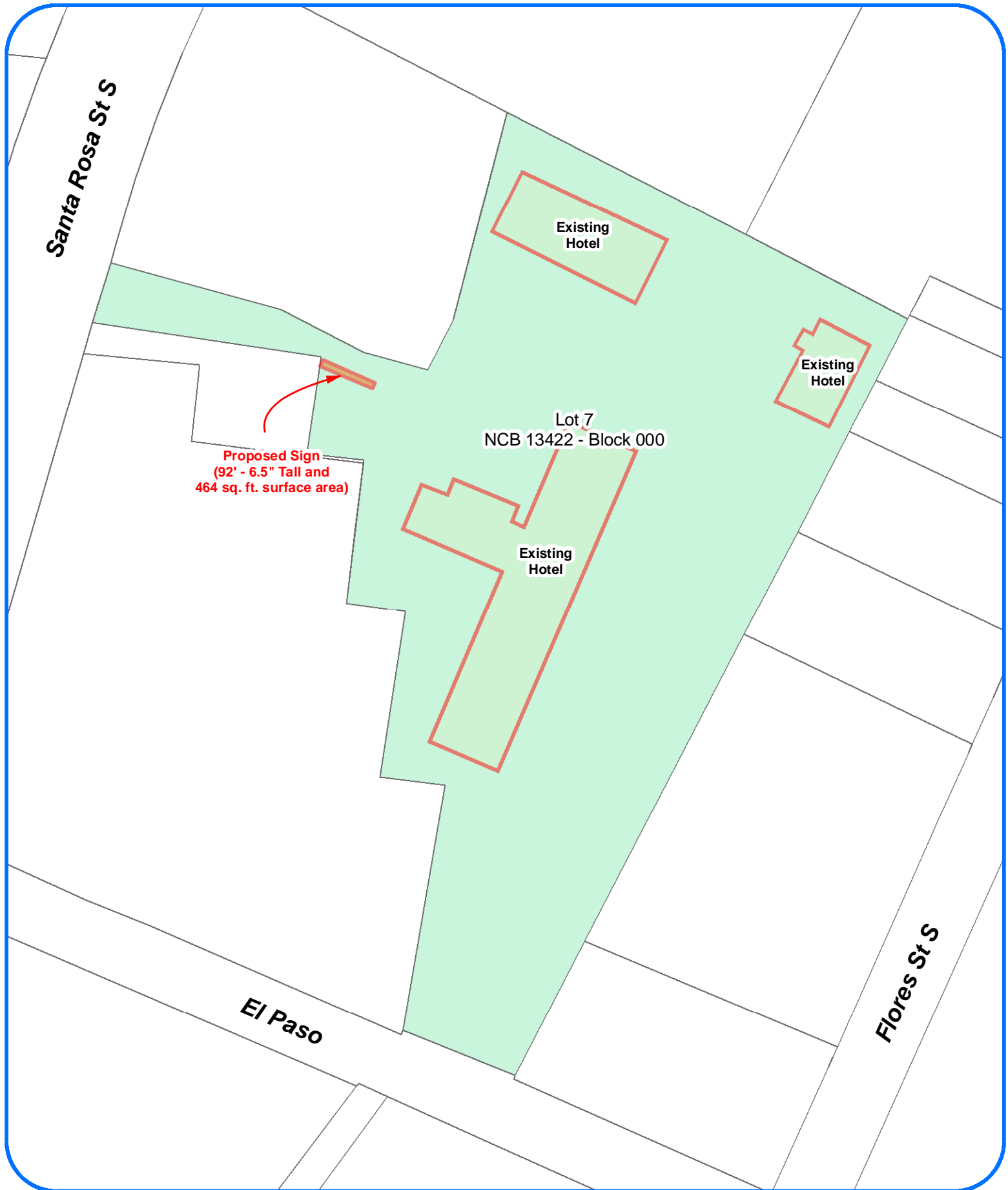
Applicant – Hotel Properties of Texas, LP
Lot 7, NCB 13422
628 South Santa Rosa Street
Zoned: “D” Downtown District

The applicant is appealing the decision of the Director of the Development Services Department to follow the Board of Adjustment’s recommendation in Case A-07-094 to uphold the Chief Sign Inspector’s decision to issue a stop work order for the removal of an on-premise free-standing pole sign, and the interpretation of Chapter 28 Section 245 of the City Code that the removal of an on-premise freestanding sign cabinet from a nonconforming sign, without first obtaining the proper approvals, resulted in the termination of nonconforming rights to the sign

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. To check on the status of this case, or for additional information, you may contact Case Manager David Arciniega at (210) 207-6944. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

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Board of Adjustment
Plot Plan for
Case A-07-106



Scale: 1" approx. = 100'
Council District 1

628 Santa Rosa S

Produced by the City of San Antonio
Development Services Department
(09/27/2007)

CASE NO: A-07-106

Board of Adjustment – October 15, 2007

Applicant: Hotel Properties of Texas, LP

Owner: White Lodging

Request(s): To appeal the decision of the Director of the Development Services Department to follow the Board of Adjustment's recommendation in Case A-07-094 to uphold the Chief Sign Inspector's decision to issue a stop work order for the removal of an on-premise free-standing pole sign, and the interpretation of Chapter 28 Section 245 of the City Code that the removal of an on-premise freestanding sign cabinet from a nonconforming sign, without first obtaining the proper approvals, resulted in the termination of nonconforming rights or the opportunity to rebuild, reface and continue the use of the sign

Legal Description: Lot 7, NCB 13422

Address: 628 South Santa Rosa Street

Zoning: "D" Downtown District

Existing Use: Hotel/Motel

Neigh. Assoc: King William Association

Neigh. Plan: Downtown Plan

Sections of the City Code justifying this request

28-246 Appeals and variances to Article IX of Chapter 28 of the City Code: Any decision based on an interpretation of Article IX made by the Chief Sign Inspector may be appealed to the Board of Adjustment. After hearing the parties, the Board shall make a recommendation to the Director of Development Services to either uphold or to modify the inspector's decision.

28-247 Variance and Appeals Procedures: Any person requesting to appeal a decision of the director of Development Services shall submit a written request.

35-481 Appeals to the Board of Adjustment: Any person aggrieved by the decision of an administrative official may appeal that decision to the Board of Adjustment.

Background: The subject property is located on the west side of Downtown. A Marriott Fairfield Inn hotel and a Marriott Residence Inn hotel currently occupy the subject property. An existing on-premise free-standing pole sign is oriented to the lot's interior off Santa Rosa Street. Santa Rosa Street is classified as a Primary Arterial "Type A" street. Based on this street classification, Chapter 28, Section 239(c) Table 2 allows for a maximum sign height of 40 feet and maximum sign cabinet square footage of 240 square feet. The pole sign in question is 90 feet tall and, prior to removal, supported two sign cabinets. The applicant removed one of the sign cabinets without obtaining the required permits and/or approvals. On September 17, 2007, the applicant appealed to the Board of Adjustment the decision of the Chief Sign Inspector to issue a stop-work order for the removal of an on-premise free-standing pole sign and the Inspector's interpretation of Section 28-245, that the removal of an on-premise freestanding sign cabinet from a nonconforming pole

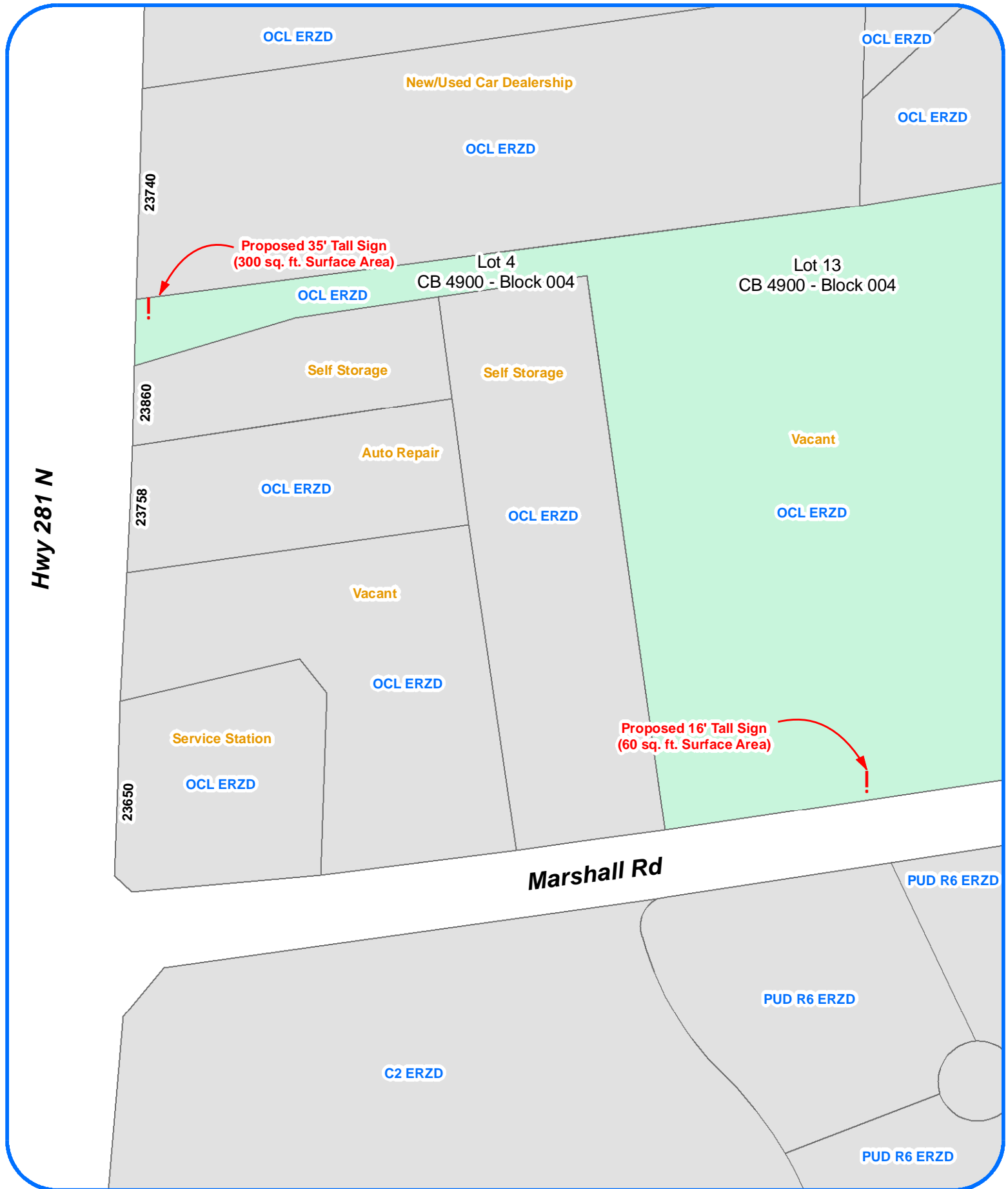
sign, without first obtaining the proper approvals, resulted in the termination of the sign's non-conforming status: Case Number A07-094. The Board of Adjustment denied the applicant's request for an appeal and upheld the decision of the Chief Sign Inspector.

Following the Board of Adjustment hearing, the applicant proceeded to request a formal decision regarding the appeal from the Director of Development Services. The Director formally upheld the decision of the Chief Sign Inspector, and subsequent Board of Adjustment recommendation.

Recommendation: The removal of one of the sign cabinets from the pole sign, without proper approval from the City of San Antonio, resulted in the loss of previously held nonconforming rights. The loss of nonconforming rights prevents the reestablishment of the pole sign to its previous condition or any alteration thereafter without conforming to the current sign and billboard standards (see Section 28-245.a.1). The applicant has not provided convincing evidence that the Director of the Development Services erred in his decision. Staff recommends that the Board **uphold** the decision of the Director of Development Services.

Case Manager: David Arciniega, Planner (210) 207-6944

David Simpson, Chief Sign Inspector (210) 207-8289



Board of Adjustment
Sign Management Plan for
Case S-07-011

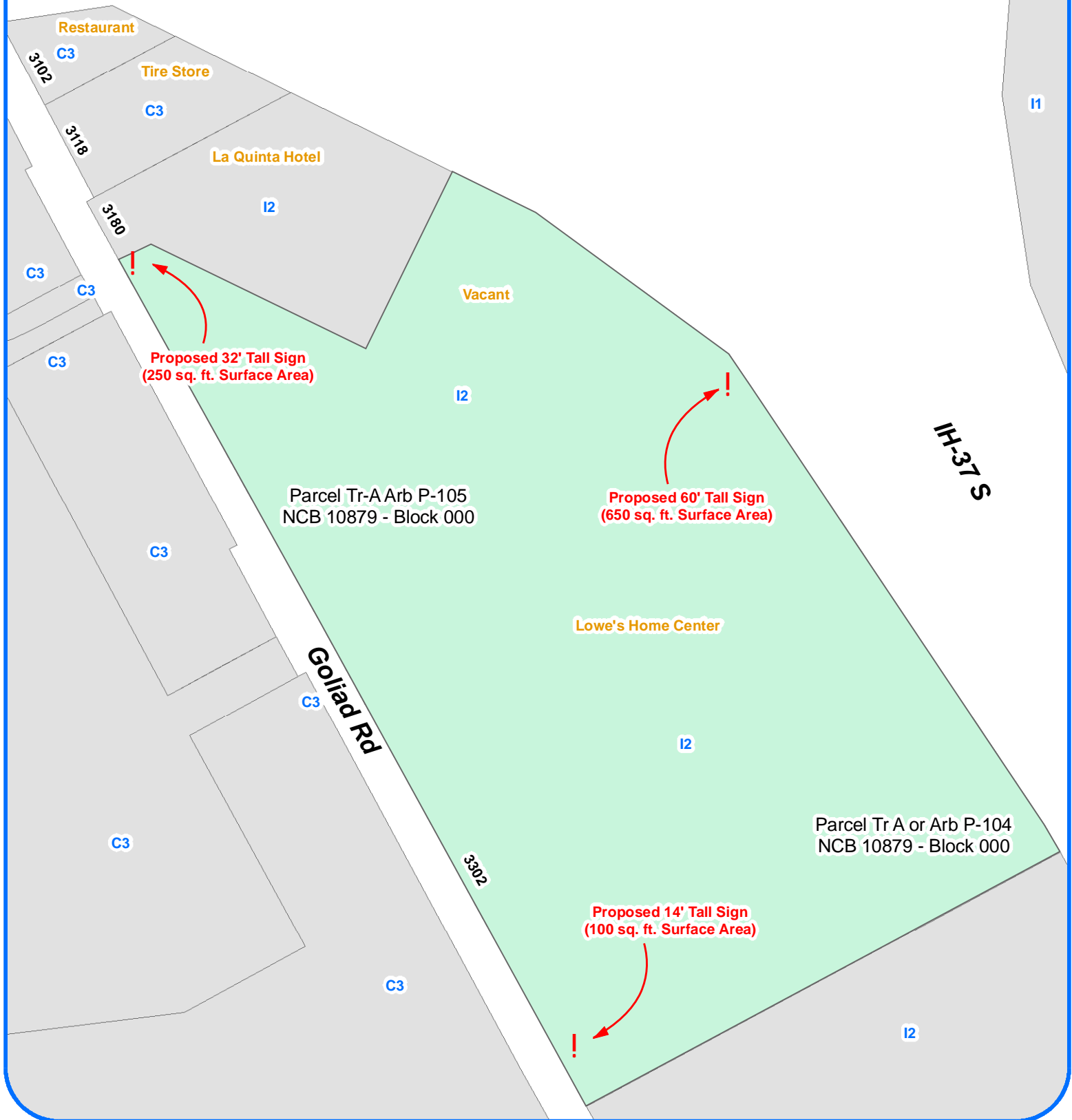


Hwy 281 N and Marshall Rd

Scale: 1" approx. = 150'
Council District - OCL

Produced by the City of San Antonio
Development Services Department
(09/26/2007)

Military Dr SE



Board of Adjustment
Sign Management Plan for
Case S-07-012



Scale: 1" approx. = 200'
Council District 3

3302 Goliad Rd

Produced by the City of San Antonio
Development Services Department
(09/27/2007)